



Appeal Decision

Site visit made on 6 March 2023

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/K1128/W/22/3305440

Land adjacent Two Gates, Blackawton to Oldstone Cross, Blackawton

TQ9 7BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Brian Wills & Nichola Greig-Wills against the decision of South Hams District Council.
 - The application Ref 3691/21/OPA, dated 28 September 2021, was refused by notice dated 20 May 2022.
 - The development proposed is described as "construction of a single custom built dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the appeal is made in outline with all matters other than access reserved for later consideration. Therefore, I have assessed the submitted plans as illustrative insofar as they relate to the reserved matters.

Main Issues

3. The main issues are (i) whether the site is a suitable location for the proposed development having regard to the development plan and the accessibility of services and facilities; and (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Location of development

4. The site is positioned within a section of a large and expansive agricultural field on the brow of a hill that meets a low-density ribbon of properties on the periphery of Blackawton; identified in the Plymouth & South West Devon Joint Local Plan 2014-2034 (JLP) as being a 'Sustainable Village' with its limited but vital services and amenities. Although the site is not isolated and is a similar distance from the village centre when compared with other properties in the wider area, it is in an exposed rural landscape surrounded by agricultural fields and well-established vegetation. For these reasons, the site feels somewhat separated from the village and is outside its built-up area. Therefore, it could not reasonably be considered to be within the settlement.
5. The lack of footway is a theme of this village which may affect pedestrian access from other recent developments and streets. However, access to local services and facilities from the western corner of the site via a long and rural stretch of narrow, unlit, and unpaved road would nevertheless be uninviting for pedestrians or cyclists

to have to navigate, particularly in the dark or during inclement weather conditions. At my visit, I observed that the bus stop in the village provides a limited service to larger and better served settlements. Consequently, future occupants would be likely to be largely dependent on private vehicles for access to these limited local services and its towns beyond to meet daily community needs, which would conflict with Policies TTV2 and SPT2 in this respect.

6. The settlement strategy for the JLP set out within Policy TTV1 is to focus development on the main towns which provide a broad range of services for the wider area. Beyond the towns and key villages, communities are encouraged to identify sites to meet local needs through neighbourhood plans within the 'Sustainable Villages' or in this case, through the application of development management policies where there is no neighbourhood plan in place. In this respect, Policy TTV27 is supportive of affordable housing proposals on sites adjoining or very near to an existing settlement. In the countryside, TTV26 says that development proposals should respond to a proven agricultural, forestry and other occupational need that requires a countryside location.
7. Although the supporting text to Policy TTV25 indicates that Blackawton could accommodate around 30 dwellings over the plan period, the policy is concerned with development within the Sustainable Villages rather than outside of them. Even if the site adjoins the village, I have found it to be located outside the built-up area where Policy TTV25 does not apply. Furthermore, no occupational need is demonstrated, and the proposal would not deliver affordable housing as set out in the National Planning Policy Framework (the Framework). For these reasons there would consequently be conflict with the JLP settlement strategy.
8. Therefore, I conclude on this main issue that the site is not a suitable location for the proposed development having regard to the development plan and the accessibility of services and facilities. For the above reasons, the development would be in conflict with Policies TTV1, TTV2, SPT1, SPT2 and TTV26 of the JLP which together in this respect direct housing towards locations that are well served by public transport, with reasonable access to a vibrant mixed use centre, meeting daily community needs for local services, and that deliver affordable housing or respond to a proven agricultural, forestry or other occupational need that requires a countryside location. There would also be conflict with chapter 9 of the Framework which amongst other things gives priority to pedestrian and cycle movements, and so far as possible, facilitating access to public transport.

Character and appearance

9. The appeal site forms a large section of land within a wider actively farmed agricultural field that is bound by a well-established roadside hedgebank and within a panorama of fields. On approaching the village from an easterly direction, the site is most visible at its existing entrance gate where views of the wider rolling landscape can be appreciated, despite the absence of any nearby public rights of way. These views add to a distinctive sense of place and scenic quality that is a prevailing characteristic of the area. The low density peripheral built form beyond the site is largely screened from view when approaching the village due to the vegetative cover and the rising topography. As such, the appeal site is not seen within the context of the existing pattern of development.
10. The proposal is not within any designated landscape and would not result in the loss of the best and most versatile land. However, the proposal would nevertheless sub-divide and erode the established field pattern introducing an uncharacteristic and permanent urbanising feature. Thus, the scheme would neither conserve nor enhance the characteristics of the open landscape. Even if reinforced /new hedge

boundaries, interspersed with native trees and other landscaping were to be provided as part of a reserved matters application, this would not sufficiently mitigate against the harm identified above.

11. For these reasons, I conclude on this main issue that the proposal would cause significant harm to the character and appearance of the area. As such, the proposal would be in conflict with Policies DEV20 and DEV23 of the JLP which amongst other things seek to conserve and enhance local characteristics and views.

Other Matters

12. The appellant is concerned that the Council has offered no evidence on how and where up to 30 dwellings could be accommodated in the village. However, the suitability or otherwise of alternative sites for housing is not a determinative matter in relation to the proposal before me, which I have assessed on its own individual merits.
13. The proposal would allow for a local family to return to the area and build a bespoke dwelling to meet their specific needs. Additionally, the site is capable of accommodating a dwelling with sufficient external amenity space, ensuring satisfactory levels of daylight, outlook, privacy, and residential amenity. However, any such beneficial features do not outweigh the harm I have identified in respect of the suitability of the location and character and appearance of the area.
14. The appellant suggests that an appeal at Folly Gate¹ is analogous with this site insofar as the Inspector concluded that the proposal was within the village and had reasonable public transport access to nearby towns. Although I am not aware of the detailed site-specific characteristics of the Folly Gate appeal, I note that it was located between areas of built form. Further, that scheme would deliver on-site affordable homes and the Inspector also concluded that no compelling evidence demonstrated the effects on the countryside and agricultural character of the site would be unacceptable. Accordingly, these characteristics are materially different to those that I have identified above, and I therefore attribute very limited weight to that decision.

Conclusion

15. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR

¹ APP/Q1153/W/20/3257118